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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
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10 Yolanda Cendejas,

11 Plaintiff(s),

12  
13 v.

14 Federal Insurance Company, Inc., *a*  
15 *New Jersey Corporation doing*  
16 *business as* The Chubb Group of  
Insurance Companies,

17 Defendant(s).  
18 \_\_\_\_\_ /

No. C 04-4018 TEH (WDB)

ORDER ADDRESSING PLAINTIFF'S  
MOTION TO SHORTEN TIME ON  
PENDING DISCOVERY DISPUTE

19 The court has considered the papers that the parties have submitted addressing  
20 their dispute about the schedule the court should adopt for hearing plaintiff's motion to  
21 compel.

22 The court is most displeased with Mr. Adams' and Ms. Peterson's unprofessional  
23 squabble about the history of the failed meet and confer process.

24 A lawyer cannot satisfy the meet and confer requirements of the Federal Rules of  
25 Civil Procedure and of this Court by using a non-lawyer assistant as his proxy. Only  
26 lawyers can "meet and confer" as that phrase is used in this setting.

27 Nor may a lawyer attempt to mislead the court. Ms. Peterson's Opposition brief  
28 and her Declaration appear to be crafted so as to create the impression in the  
undersigned's mind that her client responded to both the interrogatories and the  
document requests in issue here on August 29, 2005. Apparently that is not true.

1 Apparently the answers to interrogatories were timely served that day – but the document  
2 production was not timely and was not made until about September 5, 2005. Ms.  
3 Peterson is ADMONISHED to take more care in framing her presentations to the court  
4 to make sure there is virtually no risk that the court will make erroneous fact inferences  
5 from her words.

6 The court also is very unhappy that counsel have managed to conduct discovery  
7 in a manner that has yielded so many disputes that one side feels the need to devote a 16  
8 page single-spaced letter to their articulation. The existence of so many discovery  
9 disputes, without more, is prima facie support for a finding that there has been a failure  
10 of professionalism and a violation of the mandates of both the federal and the local rules.  
11 The court hereby formally ADMONISHES all counsel in this matter that the court will  
12 impose substantial sanctions on any lawyer or party whose handling of discovery matters  
13 does not conform to the applicable rules. The court also PUTS ALL COUNSEL ON  
14 NOTICE that if they persist in presenting a large number of discovery disputes to the  
15 court there will be an aggressive inquiry by the undersigned into the sources of this state  
16 of affairs.

17 The Court hereby ORDERS Mr. Adams and Ms. Peterson to meet in person (face-  
18 to-face) by no later than Friday, October 21, 2005, to attempt to resolve any outstanding  
19 discovery problems or disputes. Only if that face-to-face meeting leaves important  
20 matters unresolved may Mr. Adams file a motion to compel. That motion must be filed  
21 by Friday, October 28. Defendant's opposition must be filed by Friday, November 4,  
22 2005. Plaintiff's reply must be filed by Wednesday, November 9, 2005. Thereafter, the  
23 court will notify the parties if the court concludes that oral argument is necessary to  
24 fairly resolve the matters in issue.

25 IT IS SO ORDERED.

26 Dated: October 14, 2005

\_\_\_\_\_/s/ Wayne D. Brazil

27 WAYNE D. BRAZIL  
28 United States Magistrate Judge

cc: parties, WDB, TEH, stats